

HOUSE BILL NO. 453

INTRODUCED BY RASER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE USE OF A PRISON INMATE'S FUNDS AND, INCOME, AND ASSETS TO PAY THE INMATE'S MEDICAL AND DENTAL EXPENSES; AND AMENDING SECTION 53-1-107, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-1-107, MCA, is amended to read:

"53-1-107. Limits on inmate financial transactions -- taking income earned or accrued outside prison for medical and dental expenses. (1) An inmate of ~~the Montana~~ a state prison in ~~Deer Lodge or the women's prison in Billings~~ shall must use the prison inmate trust account system administered by the department of corrections to send money out of or receive money in the facility unless the department grants the inmate an exception. If an inmate accumulates a balance in excess of \$200 in the inmate's prison inmate trust account, the excess must, consistent with department rules, be forfeited for the payment of restitution, ~~or the inmate's medical and dental expenses, and the costs of incarceration.~~ The department may charge an inmate a minimum fee, not to exceed \$1.60 each month, to administer the inmate's account.

(2) (a) Money forfeited under subsection (1) to the payment of restitution must be paid in the following order:

(i) to the victim until the victim's unreimbursed pecuniary loss is satisfied;

(ii) to the crime victims compensation and assistance program in the department of justice for deposit in the state general fund until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;

(iii) to any other government agency that has compensated the victim for the victim's pecuniary loss; and

(iv) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(b) If the inmate's sentence did not provide for the payment of restitution or if there is a balance of money after restitution has been paid under subsection (2)(a), money forfeited under subsection (1) must be applied to the payment of the inmate's medical and dental expenses and, if there is a balance after those expenses have been paid, to the inmate's costs of incarceration.

1 (3) The department shall adopt rules establishing criteria for forfeiture of funds under subsection (1).

2 The rules must contain clear guidelines regarding forfeiture that ensure restitution under subsection (2) but that:

3 (a) do not unreasonably inhibit an inmate's ability to save money for the purchase of tools or other items

4 to further the education of the inmate for purposes of rehabilitation or seeking employment after release from

5 the correctional facility; and

6 (b) do inhibit any inmate's ability to deal in contraband or illegal acts within or outside the correctional

7 facility.

8 (4) AN INMATE IS RESPONSIBLE FOR THE INMATE'S MEDICAL AND DENTAL EXPENSES AND IS OBLIGATED TO REPAY

9 THE DEPARTMENT FOR REASONABLE COSTS INCURRED BY THE DEPARTMENT FOR THE INMATE'S MEDICAL AND DENTAL

10 EXPENSES. The department may investigate, identify, take in any manner allowed by law for the satisfaction of

11 a judgment, and use to pay the inmate's medical and dental expenses ANY ASSETS OF THE INMATE OR any income

12 earned by or accruing to an OF THE inmate from sources outside the state prison that is not deposited in the

13 account provided for in subsection (1)."

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